TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Docket No. PG4113US2

In re A	pplication of:	GARRILL, et. al.			3				
Applica	ation No.	09/971,799	BETT A	NUG 1 4 2003	E				
Filed:		10/03/2001	E.		J.				
For:	METHOD AN	D PACKAGE FOR	STOR	NG A PRES	SURIZE	D CONTA	INER CONTA	INING A DRU	G
any pa defined granted The over such pa	t in the instant a stent granted on d in 35 U.S.C. 1 d on pending se wner hereby agr eriod that it and	SmithKli application hereby of the instant applicat 54 to 156 and 173 a cond Application No ees that any patent I any patent any patent the instant application	disclain tion, wh as shor umber so gra d on the	hich would of tened by an 10 nted on the e second ap	extend by termina 0/071,674 instant a	eyond the al disclaime polication are comm	expiration date or filed prior to filed on shall be enforce nonly owned.	e of the full sta the grant of an 02/07/2002 ceable only for This agreemer	itutory term ny patent g 2 and during
application application and the control in the cont	ation that would patent granted of event that any s by a court of c has all claims	disclaimer, the own extend to the expira on the second appli uch granted patent: competent jurisdictic cancelled by a ree tutory term as short	ation da cation, expire on, is s xamina	ate of the ful as shortendes for failure statutorily di ation certific	Il statutor ed by an e to pay a sclaimed ate, is re	y term as o y terminal o a maintena l in whole eissued, or	defined in 35 U disclaimer filed ince fee, is hel- or terminally d in any manne	.S.C. 154 to 19 I prior to the padd unenforceablisclaimed under terminated	56 and 173 atent grant le, is found ler 37 CFR
Check	either box 1 or 2	2, if appropriate.							
1.	☐ For submagency, e	nissions on behalf tc.), the undersigne	of an d is em	organization powered to	n (e.g., act on b	corporatio ehalf of the	n, partnership e organization.	, university, g	overnment
informa willful Title 18	ation and belief false statements	all statements mad are believed to be s and the like so m States Code and the	true; a ade ar	and further to e punishabl	that thes le by fine	e statemer e or impriso	nts were made onment, or bot	e with the knov h, under Secti	wledge that ion 1001 o
2.		rsigned is an attorn	ey of re	ecord.					
3.	Owner/applica	nt is 🔲 Sma	all entity	<i>y</i> 🗵	Large er	ntity			
The	terminal disclair	mer fee under 37 C	FR 1.20	0(d) is	\$110	.00	_ and is to be _l	paid as follows	:
	A check in the a	mount of the fee is	enclos	ed.					
\boxtimes	The Director is I to Deposit Acco	nereby authorized to ount Number	o charg 07-13		which ma	ay be requi	red, or credit a	ny overpayme	nt,
PTO s	uggested wordir	ng for terminal discl	aimer v	vas					
	⊠ unchan	ged. 🔲 chang	ed (if c	hanged, an	explana	tion should	be supplied.)		
	Nober	A. Smith		<u>_</u> _	Dated:	aug	ust 11, 2	003	
		Signature				1 certify	that this docume	nt and fee is bei	ng deposited
	Name and A	ddress of Person Signing				on first class	mail under 37 C.F	with the U.S. Pos R. 1.8 and is ad-	stal Service as dressed to the
Robert	J. Smith						oner for Patents, I		

Registration No.: 40,820

Telephone No.: 919-483-9616

Customer No.: 23347

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AUG 1 5 2003

TECHNOLOGY CENTER R3700

Signature of Person Mailing Correspondence

Ban Younan

Typed or Printed Name of Person Mailing Correspondence

P26/REV01

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

AUG 1 4 2003

Docket No.

PG4113US2

TEAM. DISCIGIACES

In re Application of:

GARRILL, et. al.

Application No.

09/971,799

Filed:

10/03/2001

10/03/2001					
For: METHOD AND PACKAGE FOR STORING A PRESSURIZED	CONTAINER CONTAINING A DRUG				
The owner, SmithKline Beecham Corporation of 100.00 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent g granted on pending second Application Number 09/599,274 , filed on 06/22/2000 . The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.					
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.					
Check either box 1 or 2, if appropriate.					
1.					
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.					
2.					
3. Owner/applicant is ☐ Small entity ☒ Large entity	ty .				
The terminal disclaimer fee under 37 CFR 1.20(d) is \$110.0	and is to be paid as follows:				
☐ A check in the amount of the fee is enclosed.					
The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number					
PTO suggested wording for terminal disclaimer was					
☑ unchanged. ☐ changed (if changed, an explanation should be supplied.)					
Robert J. Land Dated: August 11, 2003					
Signature					
Name and Address of Person Signing	I certify that this document and fee is being deposited on \$/!!/03 with the U.S. Postal Service as				
Robert J. Smith	first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.				
Registration No.: 40,820	Box I laura				
Telephone No.: 919-483-9616	Signature of Person Mailing Correspondence				
Customer No.: 23347	Ü				
	Ban Younan				
	Typed or Printed Name of Person Mailing Correspondence				

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AUG 1 4 2003 Paten	Docket No. PG4113US2				
an Re Application Of: GARRILL, et. al.					
Serial No. 09/971,799	Filing Date 10/03/2001	Examiner	Group Art Unit		
Invention: METHOD AND PACKA	GE FOR STORING A PRESSUR	IZED CONTAINER CONTAI	INING A DRUG		
Owner of Record:		-	HEGEIVED		
SmithKline Beecham Cor	poration		AUG 1 5 2003		
	•	TEC	TECHNOLOGY CENTER R3700		
	TO THE COMMISSI	ONER FOR PATENTS:			
provided below, the terminathe expiration date of the disclaimer, of prior Patent I be enforceable only for an patent granted on the instalin making the abapplication that would exterpatent, as presently shorter held unenforceable, is four under 37 C.F.R. 1.321, has the expiration of its full states.	al part of the statutory term of any p full statutory term defined in 35 U No. 6,119,853. The owner here ad during such period that it and the not application and is binding upon the love disclaimer, the owner does not not to the expiration date of the full sened by any terminal disclaimer, in the and invalid by a court of competent j	patent granted on the instant apples. S.C. 154 to 156 and 173, as eby agrees that any patent so give prior patent are commonly owner grantee, its successors and/or ot disclaim the terminal part of statutory term as defined in 35 United the event that it later expires for urisdiction, is statutorily disclaim nation certificate, is reissued, or	plication hereby disclaims, except as plication, which would extend beyond presently shortened by any terminal ranted on the instant application shall yield. This agreement runs with any rassigns. If any patent granted on the instant J.S.C. 154 to 156 and 173 of the prior railure to pay a maintenance fee, is ned in whole or terminally disclaimed is in any manner terminated prior to		
	on behalf of an organization (e.g., to act on behalf of the organization		rsity, government agency, etc.), the		
information and belief are statements and the like so	believed to be true; and further that	at these statements were made mprisonment, or both, under So	e and that all statements made on with the knowledge that willful false ection 1001 of Title 18 of the United or any patent issued thereon.		
Δ.	is an attorney of record. Left family Signature	Dated: Quegust	_ 11, 2003		
	e: 40,820 / Telephone: 919-483-9616				
	<i>l or Printed Name</i> er fee under 37 C.F.R. 1.20(d) includ	ded.			
☑ PTO suggested w	ording for terminal disclaimer was ur r 37 C.F.R. 3.73(b) is required if tern	nchanged.	assignee.		

Terminal Disclaimer To Obviate A Double Docket No. AUG 1 4 2003 **Patenting Rejection Over A Prior Patent** PG4113US2 In Re Application Of: GARRIEL, et. al. Serial No. Filing Date Examiner **Group Art Unit** 09/971,799 10/03/2001 Invention: METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG RECEIVED Owner of Record: AUG 1 5 2003 SmithKline Beecham Corporation TECHNOLOGY CENTER R3700 TO THE COMMISSIONER FOR PATENTS: The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal 6,179,118 . The owner hereby agrees that any patent so granted on the instant application shall disclaimer, of prior Patent No. be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate. 1. \Box For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. August 11, 2003 The undersigned is an attorney of record. Signature Robert J. Smith / Reg No: 40,820 / Telephone: 919-483-9616 Typed or Printed Name Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. PTO suggested wording for terminal disclaimer was unchanged.

Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

Terminal Disclaimer To Obviate A Double Docket No. Patenting Rejection Over A Prior Patent PG4113US2 In Re Application Of: GARRILL, et. al. Serial No. Filing Date Examiner **Group Art Unit** 09/971,799 10/03/2001 Invention: METHOD AND PACKAGE FOR STORING A PRESSURIZED CONTAINER CONTAINING A DRUG Owner of Record: SmithKline Beecham Corporation AUG 1 5 2003 TECHNOLOGY CENTER R3700 TO THE COMMISSIONER FOR PATENTS: percent interest in the instant application hereby disclaims, except as The above-identified owner of record of a 100 provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal 6,315,112 The owner hereby agrees that any patent so granted on the instant application shall disclaimer, of prior Patent No. be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate. 1. _ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Dated: august 11, 2003 The undersigned is an attorney of record. Signature Robert J. Smith / Reg No: 40,820 / Telephone: 919-483-9616 Typed or Printed Name Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. PTO suggested wording for terminal disclaimer was unchanged.

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الدّ	al Disclaimer To Obviate A ting Rejection Over A Prior		Docket No. PG4113US2
In Re Application Of:		· · · · · · · · · · · · · · · · · · ·	
Serial No. 09/971,799	Filing Date 10/03/2001	Examiner	Group Art Unit
Invention: METHOD AND PACKA	GE FOR STORING A PRESSUR	IZED CONTAINER CONTAI	NING A DRUG
Owner of Record: SmithKline Beecham Cor	poration	7	RECEIVED AUG 1 5 2003
provided below, the terminithe expiration date of the disclaimer, of prior Patent I be enforceable only for an patent granted on the instaling land in making the abapplication that would exterpatent, as presently shorted under 37 C.F.R. 1.321, has the expiration of its full state. Check either box 1. For submissions undersigned is empowered information and belief are statements and the like so States Code and that such	ed owner of record of a 100 per all part of the statutory term of any per full statutory term defined in 35 UNO. 6,390,291. The owner here deduring such period that it and the notal application and is binding upon the overdisclaimer, the owner does not not to the expiration date of the full seemed by any terminal disclaimer, in and invalid by a court of competent is all claims cancelled by a reexaminatory term as presently shortened by any terminal disclaimer. In a cancel to a competent is all claims cancelled by a reexaminatory term as presently shortened by any terminate. On behalf of an organization (e.g., to act on behalf of the organization that all statements made herein believed to be true; and further that	ercent interest in the instant approatent granted on the instant approatent granted on the instant approach. S.C. 154 to 156 and 173, as peby agrees that any patent so gree prior patent are commonly owne grantee, its successors and/or ot disclaim the terminal part of statutory term as defined in 35 United that it later expires for surisdiction, is statutorily disclaim nation certificate, is reissued, or y any terminal disclaimer. Corporation, partnership, university of my own knowledge are true at these statements were made in more more more more more more statements and the second in the polication of the application in the instant approach in	any patent granted on the instant S.C. 154 to 156 and 173 of the prio failure to pay a maintenance fee, is ed in whole or terminally disclaimed is in any manner terminated prior to rsity, government agency, etc.), the and that all statements made on with the knowledge that willful falsection 1001 of Title 18 of the United
Typed Terminal disclaim PTO suggested w	e: 40,820 / Telephone: 919-483-9616 For Printed Name er fee under 37 C.F.R. 1.20(d) included ording for terminal disclaimer was unit of the state	nchanged.	assignee.